



(512) 804-4000 | F: (512) 804-4811 | (800) 252-7031 | TDI.texas.gov | [@TexasTDI](https://twitter.com/TexasTDI)

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.204 sets out the fee guidelines for division-specific services.
3. The insurance carrier reduced payment for the disputed services with the following claim adjustment codes:
 - CAC-P12 – Workers’ compensation jurisdictional fee schedule adjustment.
 - 790 – This charge was reimbursed in accordance to the Texas Medical Fee Guideline.
 - CAC-45 – Charge exceeds fee schedule/maximum allowable or contracted/legislated fee arrangement.
 - 723 – Supplemental reimbursement allowed after a reconsideration of services.

Issues

1. What is the maximum allowable reimbursement (MAR) for the disputed services?
2. Is the requestor entitled to additional reimbursement for the disputed services?

Findings

1. Per 28 Texas Administrative Code §134.204(j)(3), “The following applies for billing and reimbursement of an MMI evaluation... (C) An examining doctor, other than the treating doctor, shall bill using CPT Code 99456. Reimbursement shall be \$350.” The submitted documentation supports that the requestor performed an evaluation of Maximum Medical Improvement. Therefore, the correct MAR for this examination is \$350.00.

Per 28 Texas Administrative Code §134.204(j)(4):

- (C) For musculoskeletal body areas, the examining doctor may bill for a maximum of three body areas.
 - (i) Musculoskeletal body areas are defined as follows:
 - (I) spine and pelvis;
 - (II) upper extremities and hands; and,
 - (III) lower extremities (including feet).
 - (ii) The MAR for musculoskeletal body areas shall be as follows...
 - (II) If full physical evaluation, with range of motion, is performed:
 - (-a-) \$300 for the first musculoskeletal body area; and
 - (-b-) \$150 for each additional musculoskeletal body area.
- (D) ...
 - (i) Non-musculoskeletal body areas are defined as follows:
 - (I) body systems;
 - (II) body structures (including skin); and,
 - (III) mental and behavioral disorders.
 - (ii) For a complete list of body system and body structure non-musculoskeletal body areas, refer to the appropriate AMA Guides...
 - (v) The MAR for the assignment of an IR in a non-musculoskeletal body area shall be \$150.

Review of the submitted documentation finds that the requestor performed impairment rating evaluations of the left ankle, left knee, skin abrasions/contusions, intra-abdominal and pelvic swelling/mass/lump, enlarged spleen, hepatocellular disease, porta hepatis, peripancreatic adenopathy, depression/anxiety, diabetes, hypertension, hypothyroidism, tobacco use disorder, and obesity. The correct MAR for this examination is \$1350.00.

The MAR is determined in the following table:

Examination	AMA Chapter	§134.204 Category	Reimbursement Amount
Maximum Medical Improvement			\$350.00
IR: Left Ankle	Musculoskeletal System	Lower Extremities	\$300.00
IR: Left Knee			
IR: Intra-abdominal/pelvic swelling/mass/lump	Digestive System	Body Systems	\$150.00
IR: Hepatocellular Disease			
IR: Porta Hepatis			
IR: Obesity			
IR: Enlarged Spleen	Hematopoietic System	Body Systems	\$150.00
IR: Peripancreatic Adenopathy	Cardiovascular System	Body Systems	\$150.00
IR: Hypertension			
IR: Diabetes	Endocrine System	Body Systems	\$150.00
IR: Hypothyroidism			
IR: Contusion/Hematoma/Abrasion	Skin	Body Structures	\$150.00
IR: Tobacco Use Disorder	ENT & Related Structures	Body Structures	\$150.00
IR: Depression/Anxiety	Mental/Behavioral	Mental/Behavioral	\$150.00
Total MMI			\$350.00
Total IR			\$1,350.00
Total Exam			\$1,700.00

2. The total MAR for the disputed services is \$1700.00. The insurance carrier paid \$1350.00. An additional reimbursement of \$350.00 is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$350.00.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services in dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$350.00 plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this Order.

Authorized Signature

<hr/>	<hr/> Laurie Garnes	<hr/> June 2, 2016
Signature	Medical Fee Dispute Resolution Officer	Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, 37 *Texas Register* 3833, applicable to disputes filed on or after June 1, 2012.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MFDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.